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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

VENSON LANE MYERS, Plaintiff, **v.** **L.E. SCRIBNER, et al.,** Defendants.	08CV0117 W (WMc) **DECLARATION OF N. GRANNIS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** Hearing: Time: Courtroom: C Judge: The Honorable William McCurine, Jr.

I, N. Grannis, declare as follows:

1. I make the following declaration of facts based on my own knowledge and, if called, can testify competently thereto.

2. I have worked for the California Department of Corrections and Rehabilitation (CDCR) for approximately twenty-five (25) years. I am currently employed by CDCR as the Chief of Inmate Appeals Branch, Sacramento, California, which receives all inmate appeals submitted to the third formal level of review, also known as the Director's level. I have held this

position since October 10, 2002.

3. There are four levels of inmate/parolee administrative appeals review: one (1) informal and three (3) formal levels Cal. Code Regs. tit. 15, §§3084.5. To initiate the administrative appeals process, the inmate or parolee is required to submit a CDCR-602 form, which requires the inmate or parolee to describe the adverse action he or she seeks to appeal in addition to the specific relief he or she requests. The informal level of review requires the inmate or parolee to submit the CDCR-602 form to prison or parole staff who were directly involved in the action or decision within fifteen working days to attempt a resolution on an informal basis. If the issue is not resolved at the informal level, the inmate or parolee may appeal to the first formal level of review, which is submitted for review at the Division Head level. If the inmate or parolee is not satisfied after the first formal level of review, the inmate or parolee may submit the CDCR-602 form for a second formal level review, which is conducted by the Institution Head or his or her designee. If the inmate or parolee is not satisfied after the second level review is completed, the inmate or parolee may appeal to the Secretary of CDCR (formerly the Director of the CDCR) by submitting the appeal to the Inmate Appeals Branch. A decision by the Inmate Appeals Branch, which is supervised by the Chief of Inmate Appeals, constitutes the Secretary's decision and completes the administrative appeal process. All inmate/parolee appeals submitted to the Inmate Appeals Branch for third level review are processed through my office. As of August 1, 2008, all third level medical appeals are now reviewed and decided on at the Health Care Third Level.

4. Upon receipt, all inmate/parolee administrative appeals are logged into a computer database. The computer database tracks all properly-filed inmate/parolee appeals received since 1993, which have been accepted by the Inmate Appeals Branch.

5. I am personally familiar with the record keeping system at the Inmate Appeals Branch (IAB), and I am able to verify the status of a California inmate/parolee's third level administrative appeal(s).

6. This Office received a request from the Office of the Attorney General to research our system files to locate any and all third level inmate/parolee appeals filed by Plaintiff

Venson Myers, CDCR No. C-29600, pertaining to allegations of interference with his religious freedom against officials at California State Prison, Calipatria. A thorough search by my staff of records kept in the ordinary course of business in the Office of the Inmate Appeals Branch in Sacramento, California revealed that this Office has accepted two inmate/parolee appeals submitted by Plaintiff.

a) On June 30, 2005, this Office accepted an appeal from inmate Plaintiff regarding a work incentive issue. The appeal was assigned Log No. IAB 0413015. On September 22, 2005, the appeal was denied.

b) On December 7, 1993, this Office accepted an appeal from inmate Plaintiff regarding a custody/classification issue. The appeal was assigned Log No. IAB 9304398. On February 11, 1994, the appeal was denied.

7. A tracking system for appeals *rejected* by the Office of the Inmate Appeals Branch was established in August of 2000. A thorough search by my staff of records kept in the ordinary course of business in the Office of Inmate Appeals Branch in Sacramento, California revealed that inmate Myers has had one inmate appeal screened out on June 9, 2005. The screened out appeal is not relevant to this case.

8. This Office has not screened-out or accepted for review any appeals filed by Venson Myers, CDCR No. C-26900, pertaining to allegations of interference with his religious freedom by Defendants Scribner, Builteman, or Richey.

9. Based on these findings and records, it is clear that Plaintiff Venson Myers, CDCR No. C-29600, did not exhaust any appeal at the third level of review regarding any allegations of interference with his religious freedom against Defendants Scribner, Builteman, or Richey.

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10. A true and accurate copy of the Inmate/Parolee Appeals Tracking System - Level III, for Venson Myers, CDCR No. C-29600, is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed on August 20, 2008, at Sacramento, California.

N. GRANNIS, Chief, Inmate Appeals Branch

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SD2008700631

Myers, Venson Lane v. Scribner, et al.
USDC, Southern District Case No. 08CV0117 W (WMc)

EXHIBIT A

Inmate/Parolee Appeals Tracking System - Level III
Venson Myers, CDCR No. C-29600

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Inmate Appeals Branch

08/20/2008

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate / Parolee Appeals Tracking System - Level III

Appellant Appeal History

CDCR Number: C29600

Sorted By: CDCR Number

CDCR Number	Appellant Name	Location	Arrival Date	Alerts (Type, Start, End)	Special Needs
C29600	MYERS, VENSON	CAL	08/30/1993		

Accepted Appeals

IAB Number	Issue	Issue Subcategory	Accepted Date	Inst. Log Number	Due Date	Closed Date	Disposition
0413015	WORK INCENTIVE	Prior to subcategory	06/30/2005	CAL-04-01616	09/26/2005	09/22/2005	DENIED
9304398	CUSTODY/CLASS	Prior to subcategory	12/07/1993	-93-03789	01/07/1994	02/11/1994	DENIED

Screen Outs

IAB Number	Issue	Issue Subcategory	Received Date	Inst. Log Number	Screened Out	Response Due	Reason
5004132	WORK INCENTIVE	Prior to subcategory	03/29/2005	CAL-A-04-161	06/09/2008		MISSING DOCUMENTATION

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Myers, Venson Lane v. Scribner, et al.**

Case No.: **08CV0117 W (WMc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 21, 2008, I served the following documents:

DECLARATION OF N. GRANNIS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Manual Notice List

Venson Lane Myers
CDCR # C-29600
Calipatria State Prison
P. O. Box 5005
7018 Blair Road
Calipatria, CA 92233-5005
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 21, 2008, at San Diego, California.

J. Yost — Declarant

[signature] — Signature

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